

### REMARKS

Claims 56-78 are pending. Claims 56-77 are amended for clarity. No new matter has been added.

#### I. FORMAL MATTERS

The Examiner has not indicated whether the drawings are rejected or accepted. Applicant respectfully requests that the Examiner review the drawings in due course.

Applicant notes with appreciation that the Office Action includes a copy of the PTO Form SB/08 that was submitted with the Information Disclosure Statements that was filed on September 26, 2005. Each reference is initialed by the Examiner, thereby indicating that these references were considered by the Examiner and will be listed on the face of any patent that issues from the present application.

#### II. OBJECTION TO THE CLAIM

Claim 62 is objected to for having a typographical error. Applicant submits amended claims 62 for the Examiner's reconsideration.

#### III. REJECTION UNDER 35 U.S.C. §102

Claims 56-78 are rejected under 35 U.S.C. §102 as being anticipated by Makela *et al.* (U.S. 7,099,687, hereinafter, Makela). Specifically, regarding claim 56, the Examiner asserts that Makela teaches each and every element. Applicant respectfully traverses.

Applicant respectfully submits that claim 56 has been amended to clarify that the heterogeneous wireless network is one that includes a plurality of wireless connections (please see FIG. 1 and pages 20-21 of the specification). Applicant respectfully submits that Makela does not teach a method of providing at least one bearer service through a heterogeneous wireless network because Makela is directed to selecting the appropriate bearer service within a single wireless connection that may provide various levels of bearer service (please see column 9, lines 4-25, where the execution environment 202 prioritizes service requirements, and column 9, line 65 to column 10, line 12, where *a* bearer service request network message is formed and sent to *the* mobile network, emphasis added).

Furthermore, since Makela does not teach a method of providing bearer services through a heterogeneous wireless network, Makela also does not teach to dynamically optimize

among bearer service providers and related set up or tear down of wireless connections provided through the heterogeneous wireless network according to the detected operational context.

Therefore, Applicant respectfully submits that Makela does not anticipate claim 56. Similarly, Applicant submits that claims 67 is not anticipated by Makela for at least the same reasons. Therefore, Applicant respectfully requests the withdraw of the rejection of claims 56, 67 and their dependent claims and the Examiner's reconsideration.

#### IV. CONCLUSION

Based on the foregoing, Applicant submits that the present application is in condition for allowance.

If the Examiner believes that any outstanding issue could be resolved through a telephone interview, Applicant kindly requests the Examiner to contact the undersigned at the telephone number listed below.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

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Customer No.: 21874

Respectfully submitted,

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